

**REMARKS**

This paper is presented in response to the final official action dated September 14, 2010, wherein (a) claims 23, 44, 53, 55, 65, 66, 68, 69, 74, 76-79, 81, 127 and 128 were pending, (b) claims 23, 44, 53, 55, 65, 66, 68-70, 74, 76-79 and 81 were rejected because the claimed invention is directed to non-statutory subject matter, and (c) claims 23, 44, 53, 55, 65, 66, 68, 69, 74, 76-79, 81, 127 and 128 were rejected as being unpatentable over Nordlicht in view of Himmelstein.

By the foregoing, claims 23, 44, 53, 55, 65, 66, 68, 69, 74, 76-79, 81 and 127 have been amended. Claims 129-131 have been added. Claims 23, 44, 53, 55, 65, 66, 68, 69, 74, 76-79, 81, 127 and 128 remain pending. Claims 23, 44, 65, and 127 are the only independent claims at issue.

Applicant would like to thank the examiner for extending the courtesy of an interview on February 25, 2011 with applicant's representatives, Randall Rueth and Mark Farber, where the prior art references and potential claim amendments were discussed.

Support for the addition of retrieving from a database coupled to the computer system a plurality of preselected subcomponent option transactions that are bundled together to form the ordered versatile financial transaction may be found, for example, in the specification at paragraph [0064].

Support for the recitation enhancing a risk/reward profile for the ordered versatile financial transaction may be found, for example, in the specification at paragraph [0116].

Support for the recitation transmitting the subcomponents so that fulfillment may be achieved when the trade executing entity makes the entire packaged bundle available as a trade possibility to one or more market makers may be found, for example, in the specification at paragraphs [0068] and [0069].

Thus, no new matter is added with this amendment.

In view of the foregoing amendments and following remarks, reconsideration is respectfully requested.

### **Claim Rejections Under 35 U.S.C. §101**

Several claims are rejected under 35 U.S.C. §101 because they allegedly were not directed to statutory subject matter. Independent claims 23 and 44 are amended so that the claimed methods are more closely and unambiguously tied to a computer system. In other words, the claims are not directed to merely an abstract idea as they recite a particular machine that accomplishes the method steps. Further, the claims now recite which structural apparatus is performing the method steps. According to the recent Supreme Court decision in *Bilski v. Kappos*, 561 U.S. \_\_\_\_ (2010), claims that are so clearly tied to a machine are directed to patentable subject matter under 35 U.S.C. §101. Accordingly, those claims are now tied to a statutory class, and are patent eligible under 35 U.S.C. §101. Independent claim 65 is amended to recite a computer system, i.e., a machine. Applicants respectfully request the withdrawal of the rejection.

### **Claim Rejections Under 35 U.S.C. § 103**

#### **1. Claims 23 and 128-130**

Amended claim 23 recites *inter alia*: receiving by the computer system an order from the user for the versatile financial transaction, wherein the versatile financial transaction corresponds to one or more shares of a stock; retrieving from a database coupled to the computer system a plurality of preselected subcomponent option transactions that are bundled together to form the ordered versatile financial transaction; wherein each of the plurality of preselected subcomponent option transactions is related to the one or more shares of the stock; wherein the plurality of preselected subcomponent option transactions are interrelated to enhance a risk/reward profile for the ordered versatile financial transaction; wherein each of the plurality of preselected subcomponent option transactions specified in the order require the other subcomponent option transactions in the order to execute as

specified, otherwise none of the plurality of preselected subcomponent option transactions will execute; and transmitting by the computer system the interrelated subcomponents as a packaged bundle to a trade executing entity for fulfillment only when each of the plurality of preselected subcomponent option transactions will execute as specified, so that fulfillment may be achieved when the trade executing entity makes the entire packaged bundle available as a trade possibility to one or more market makers. These limitations distinguish the references relied on in the official action.

As discussed in the previous interview, neither Nordlicht nor Himmelstein provide any disclosure of a versatile financial transaction similar to what is recited in now amended claim 23. As agreed to by the examiner in the interview, the barter transactions disclosed in Himmelstein will trade individually, and moreover, the overall bartering system is fairly far afield from the invention recited in the amended claims. While Nordlicht discloses multi-leg option trades, nowhere does it appear to disclose retrieving from a database a plurality of preselected subcomponent option transactions that are bundled together to form an ordered versatile financial transaction where each of the preselected subcomponent option transactions is related to the one or more shares of a stock; and wherein the plurality of preselected subcomponent option transactions are interrelated to enhance a risk/reward profile for the ordered versatile financial transaction; wherein each of the plurality of preselected subcomponent option transactions specified in the order require the other subcomponent option transactions in the order to execute as specified, otherwise none of the plurality of preselected subcomponent option transactions will execute; and transmitting by the computer system the interrelated subcomponents as a packaged bundle to a trade executing entity for fulfillment only when each of the plurality of preselected subcomponent option transactions will execute as specified, so that fulfillment may be achieved when the trade executing entity makes the entire packaged bundle available as a trade possibility to one or more market makers.

This combination of features recited in the amended claims is particularly important because it prevents a trader from possible exposure to a situation where some of the expected trades are not filled, which would expose the trader to

unwanted risk. Applicant thus respectfully submits that amended claim 23, and claims 128-130 dependent thereon, are in condition for allowance for at least these reasons.

**2. Claims 44, 53, and 55**

Similar to amended claim 23, amended claim 44 specifically recites retrieving from a database coupled to the computer system a plurality of preselected subcomponent option transactions that are bundled together to form the identified versatile financial transaction; wherein the preselected subcomponent option transactions are related to the underlying financial instrument and are interrelated to enhance a risk/reward profile for the versatile financial transaction; wherein at least one of the preselected subcomponents specified in the order require other subcomponents in the order to execute as specified, otherwise none of the preselected subcomponents will execute; and transmitting by the computer system the interrelated subcomponents as a packaged bundle to a trade executing entity for fulfillment, so that fulfillment may be achieved when the trade executing entity makes the packaged bundle available as a trade possibility to one or more market makers.

As discussed above with respect to claim 23, neither of the applied patents disclose such a versatile financial transaction. It is thus respectfully submitted that amended claim 44, and claims 53, and 55 dependent thereon, are in condition for immediate allowance.

**3. Claims 65, 66, 68, 69, 74, 76-79, and 81**

Independent claim 65 recites a computer system for generating a versatile financial transaction, that includes a processor and a memory coupled to the processor, the memory including computer executable instruction stored thereon that when executed by the processor, cause the processor to retrieve from a memory coupled to the computer system at least three preselected subcomponent option transactions that are bundled together to form the ordered versatile financial transaction; wherein the at least three preselected subcomponent transactions are interrelated to enhance a risk/reward profile for the ordered versatile financial

transaction; and wherein the at least three preselected one of the subcomponent option transactions specified in the order require other subcomponent option transactions in the order to execute as specified, otherwise both sets of subcomponent option transactions will not execute.

These limitations recited above are similar to limitations found in claims 23 and 44. Claim 65, and claims 66, 68, 69, 74, 76-79, and 81 dependent thereon, are thus allowable for the reasons discussed above.

#### **4. Claims 127 and 131**

Amended claim 127 recites a memory storage containing instructions configured to be executed by a processor, the instructions which, when executed by the processor, cause the performance of a method that includes retrieving from a database coupled to the processor at least three or more preselected subcomponent option transactions that are bundled together to form the selected versatile financial transaction; wherein each the three or more interrelated, subcomponent option transactions specified in the order require the other subcomponent option transactions in the order to execute as specified, otherwise none of the three or more interrelated, subcomponent option transactions will execute; and transmitting the interrelated subcomponents as a packaged bundle to a trade executing entity for fulfillment.

These limitations recited above are similar to limitations found in claims 23, 44 and 65. Claim 127 is thus allowable for the reasons discussed above.

#### **Conclusion**

In view of the foregoing, it is respectfully submitted that the above application is in condition for allowance, and reconsideration is respectfully requested. If there is any matter that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below. In any event, the Director is hereby authorized to charge

Application No. 10/597,107  
Amendment dated March 14, 2011  
Reply to final Office Action of September 14, 2010

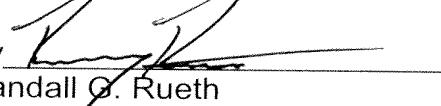
Docket No.: 31578/44898

any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 13-2855, under Order No. 31578/44898.

Dated: March 14, 2011

Respectfully submitted,

By

  
Randall Q. Rueth

Registration No.: 45,887  
MARSHALL, GERSTEIN & BORUN LLP  
233 S. Wacker Drive, Suite 6300  
Sears Tower  
Chicago, Illinois 60606-6357  
(312) 474-6300  
Attorney for Applicant